

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ANDREW MCINTOSH, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VEECO INSTRUMENTS, INC.,  
EDWARD H. BRAUN, and JOHN F.  
REIN, JR.,

Defendants.

No.: 2:05-CV-00889 (LDW) (ETB)

BARRY LINZER, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

VEECO INSTRUMENTS, INC.,  
EDWARD H. BRAUN, and JOHN F.  
REIN, JR.,

Defendants.

No.: 2:05-CV-00957 (DRH) (ETB)

BRUCE KANTOR, individually and on Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

VEECO INSTRUMENTS, INC.,  
EDWARD H. BRAUN, and JOHN F.  
REIN, JR.,

Defendants.

No.: 2:05-CV-00967 (LDW) (ETB)

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GEORGE WALKER, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VEECO INSTRUMENTS, INC.,  
EDWARD H. BRAUN, and JOHN F.  
REIN, JR.,

Defendants.

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No.: 2:05-CV-01003 (JS) (ETB)

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PHILIP G. COLLINS, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VEECO INSTRUMENTS, INC.,  
EDWARD H. BRAUN, and JOHN F.  
REIN, JR.,

Defendants.

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No.: 2:05-CV-01277 (LDW) (ETB)

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SERVAAS HOLTHUIZEN, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VEECO INSTRUMENTS, INC.,  
EDWARD H. BRAUN, and JOHN F.  
REIN, JR.,

Defendants.

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No.: 2:05-CV-01337 (LDW) (ETB)

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GERALD J. VOGT and ELEANOR L. VOGT,  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

VEECO INSTRUMENTS, INC.,  
EDWARD H. BRAUN, and JOHN F.  
REIN, JR.,

Defendants.

No.: 2:05-CV-01430 (LDW) (ETB)

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TIMOTHY JOE GROVE, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

VEECO INSTRUMENTS, INC.,  
EDWARD H. BRAUN, and JOHN F.  
REIN, JR.,

Defendants.

No.: 2:05-CV-01552 (LDW) (ETB)

**NOTICE OF FILING**

Please take notice that the undersigned has filed with the Judicial Panel on Multidistrict Litigation ("MDL Panel") a Motion to Transfer and Consolidate Actions ("Motion") pursuant to 28 U.S.C. § 1407 on behalf of defendants Veeco Instruments Inc., Edward H. Braun, and John F. Rein, Jr. The Motion, along with a Memorandum in Support thereof and the Declaration of Robert F. Serio (without exhibits), are attached hereto as Exhibits A-C, respectively. Defendants filed the attached Motion with the MDL Panel in the interest of judicial economy and in an attempt to avoid the possibility of inconsistent rulings with respect to the various motions to appoint lead plaintiff, motions to consolidate and motions to transfer that currently are pending before courts in the Eastern and Southern Districts of New York. Therefore, Defendants respectfully request that the Court refrain from ruling on any pending motions until the MDL Panel rules on defendants' Motion.

DATED: April 29, 2005

Respectfully submitted,



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Robert F. Serio (RS-2479)  
John A. Herfort (JH-1460)  
Gibson, Dunn & Crutcher LLP  
200 Park Avenue  
New York, New York 10166  
(212) 351-4000

***Counsel for Defendants Veeco Instruments Inc.,  
Edward H. Braun, and John F. Rein, Jr.***

**CERTIFICATE OF SERVICE**

I hereby certify, under penalty of perjury pursuant to 28 U.S.C. § 1746, that on this 29th day of April, 2005, I caused true and correct copies of a Notice of Filing of Defendants' Motion To Transfer and Consolidate For Pretrial Proceedings and Memorandum in Support thereof, and the Declaration of Robert F. Serio (without exhibits) to be filed with the clerk of each district court in which an action is pending that will be affected by the Motion, and to be served by Federal Express on each of the following counsel:

A handwritten signature in black ink, appearing to read "Ross Wallin", written over a horizontal line.

J. Ross Wallin

<b><i>Counsel for Actions Pending in E.D.N.Y.</i></b>	
<p>Evan J. Smith, Esq.  Marc L. Ackerman, Esq.  <b>BRODSKY &amp; SMITH, LLC</b>  240 Mineola Boulevard  Mineola, NY 11501  Tel: (516) 741-4977  Fax: (610) 667-9029  Email: <a href="mailto:Esmith@brodsky-Smith.com">Esmith@brodsky-Smith.com</a></p> <p><b><i>Counsel for Plaintiff Andrew McIntosh</i></b></p>	<p>Marc A. Topaz, Esq.  Richard A. Maniskas, Esq.  <b>SCHIFFRIN &amp; BARROWAY, LLP</b>  280 King of Prussia Rd.  Radnor, PA 19087  Tel: (610) 667-7706  Fax: (610) 617-7056</p> <p><b><i>Counsel for Plaintiff Andrew McIntosh</i></b></p>
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